

BOARD OF APPEALS CASE NO. 5186

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BEFORE THE

APPLICANT: A & B General Contractors

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ZONING HEARING EXAMINER

REQUEST: Amend Condition No. 5 in Board of Appeals Case No. 4166 to allow outside storage in the Agricultural District; 4400 Conowingo Road, Darlington

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 10/24/01 & 10/31/01

HEARING DATE: December 10, 2001

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Record: 10/25/01 & 11/2/01

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ZONING HEARING EXAMINER'S DECISION

The Applicant, A & B General Contractors (hereinafter, A & B) is requesting an amendment to Condition No. 5 in Board of Appeals Case No. 4166 to allow outside storage in an AG/Agricultural District

The subject parcel is located at 4400 Conowingo Road, Darlington, Maryland 21034 and is more particularly identified on Tax Map 20, Grid 3A, Parcel 57. The parcel consists of 2.83±acres, is presently zoned AG/Agricultural, and is entirely within the Fifth Election District.

Mr. Milton E. Absher appeared on behalf of the Applicant and indicated that he has operated his business at this location since 1991. He obtained, pursuant to Board of Appeals Case No. 4166 dated June 20, 1991, special exception approval to permit construction services and commercial vehicle and equipment storage on the parcel. The approval had 10 conditions and Condition No. 5 required that there be "...no outside storage of material, supplies, or commercial vehicles, or advertising on the site." The Applicant explained that his business has grown and he now has several pieces of additional equipment that cannot be stored within the building located on the parcel because it is full to capacity with his other equipment. The Applicant indicated that he has added six (6) pick-up trucks, two (2) trailers, a directional boring machine, and a one-ton dump truck. Two other dump trucks previously used have been removed from the property. The Applicant has eleven employees, all of whom report to work at 7:00 a.m., pick up equipment and leave, returning around 4:00 p.m. each day.

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The Applicant intends to plant 100 feet of evergreen screening along U.S. Route 1 and 150 feet of similar screening between the subject and adjoining parcel (4412 Conowingo Road). The witness believes this will completely screen from view the area of outside storage required for his business.

The Department of Planning and Zoning agrees that additional fencing and screening will act to screen from view of neighboring properties the outside storage and recommends approval conditioned on adequate screening. Mr. Anthony McClune testified on behalf of the department and stated that with adequate screening this use would be much like other special exception uses for storage of commercial vehicles and equipment common in Harford County. The parcel meets the minimum lot size for such special exceptions and the Applicant has operated the business at this location since 1991 without incident or adverse impact to adjoining properties.

Mr. Raymond Hieronimus appeared and stated that he lives next door at 4412 Conowingo Road. The witness stated that he was opposed to the Application because he believed the parcel and/or business was going to be sold to a Texas concern and further, that such uses as the Applicant's are commercial in nature and do not belong in the Agricultural district. The witness did admit that noise from the Applicant's operation has not been disturbing and there is no evidence that property values have diminished as a result of the Applicant's operations.

CONCLUSION:

The Applicant, A&B General Contractors, is requesting an amendment to Condition #5 in Board of Appeals case 4166 to allow outside storage in an AG/Agricultural District.

The special exception use was approved in 1991 and the business has operated at this location without adverse impacts to adjoining properties over that period. Apparently outside storage has been maintained for some years without incident. It appears to the Hearing Examiner that adequate screening can be added to the parcel to completely screen from view the vehicles and equipment stored by the Applicant.

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The Hearing Examiner finds that the Applicant meets or exceeds all of the Code requirements for the requested special exception use set forth in Harford County Code Section 267-53(D)(1) which provide:

“Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provided that:

- (a) The vehicles and equipment are stored entirely within an enclosed building or are fully screened from view of adjacent residential lots and public roads.
- (b) The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.
- (c) A minimum parcel area of two (2) acres shall be provided.”

The Hearing Examiner recommends approval of the requested modification of Condition No. 5 in Board of Appeals Case No. 4166 and recommends allowance of outside storage of commercial vehicles and equipment on the subject parcel, subject to the following conditions:

- 1. The Applicant shall submit a landscaping plan to the Department of Planning and Zoning for review and approval showing the type and location of plantings.
- 2. The Applicant shall construct a fence to enclose the outside storage area within 60 days of the final date of approval of this decision.
- 3. That the Applicant obtain any and all necessary permits and inspections.
- 4. All required plantings shall take place in the Spring of 2002.
- 5. All other conditions imposed by Case No. 4166 shall remain in effect and unmodified by this decision.

Date JANUARY 15, 2002

William F. Casey
Zoning Hearing Examiner